



## *Commonwealth of Virginia*

### DEPARTMENT OF SOCIAL SERVICES

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SERVICE PROGRAM MANUAL- VOLUME VII

TRANSMITTAL # 197

This release of the Foster Care Chapter B, Volume VII, Section III, incorporates federal and state legislative changes made in 2002 and 2003, clarifies and/or updates guidance on providing educational and medical services to children in foster care, updates funding requirements, and incorporates the recommendations from the Secretary's Foster Care Workgroup empanelled to review and revise service delivery relating to reunification and permanency planning.

This revision to the Foster Care Chapter is a second interim version as the Virginia Department of Social Services Permanency Unit Staff continues to work on a major re-format of the Chapter with input from the Permanency Advisory Group (PAG). The PAG is comprised of representatives from local departments of social services, private agencies, attorneys, adoptive and foster parents, Court Appointed Special Advocates, and concerned private citizens.

A number of changes to this interim version are not substantive but rather, are organizational or formatting in nature. Such changes are not specifically identified and have simply been incorporated into the Chapter.

Significant legislative changes to the Chapter include the following:

1. Any time a child has been in an out-of-home placement, a criminal background check and central registry search is required on the adults (including the natural or adoptive parents or other previous caretakers) residing in the home where a child is to be placed. The results of the check and search may prohibit placement of the child.
2. All youth with an approved goal of Permanent Foster Care are required to have an annual judicial review.
3. Aggravated circumstances has been added as a basis for not making reasonable efforts to reunify. It is also grounds for termination of parental rights and a consideration for deciding to change a child's permanency goal to adoption.
4. Children age five and under must be secured in approved child restraint devices in cars.

Additional changes of central importance are:

1. The Table of Contents is expanded to improve the reader's ability to locate specific items of interest and to allow easier access to sections and subsections. Each item in the Table of Contents is a direct hyper link to the actual section and can be accessed by placing the cursor on the line, holding the "control" key and "left-clicking" the mouse.
2. Web sites have been included throughout the document to guide the reader to external links, forms, and other policy manuals.
3. Concurrent Permanency Planning definitions and practices are incorporated throughout the Chapter as Virginia starts implementing this best-practice model for increasing children's timely movement into permanent homes.
4. Guidance has changed regarding:
  - a. Worker contacts with children in foster care;
  - b. Documentation of all case data in OASIS – the official case record;
  - c. Service delivery for children where the permanency goal is reunification. Section 9 includes a discussion of the principles and philosophy of permanency planning, the practices and protocols of concurrent permanency planning, expanded guidance on the role of team members in permanency planning, and expanded guidance on local department responsibilities and service provision when the goal is "reunification";
  - d. Achievement of the goal of Independent Living
5. Requirements for localities to obtain Educational and Training Voucher (ETV) funding for youth in post-secondary school or training programs are included; and
6. All case documentation guidance is changed and reflects OASIS as the official case record for all foster care cases;

Significant changes to Section III, Chapter B Foster Care are as follows.

Area of Chapter	Section	Significant Changes
Table of Contents	N/A	Expanded table with hyperlinks to the sections
Definitions	1.2	Adds the following definitions: <ul style="list-style-type: none"><li>▪ Concurrent Permanency Planning</li><li>▪ Dual Approval</li><li>▪ Full Disclosure</li><li>▪ Permanency</li><li>▪ Permanency Planning Indicator</li><li>▪ Permanency Planning</li><li>▪ Resource Family</li></ul>
Federal and State requirements	1.3	Adds the Indian Child Welfare Act of 1978; the Multiethnic Placement act of 1994 as amended by the Interethnic Adoption Provisions of 1996; and the Foster Care Independence Act of 1999 to list of federal requirements governing the provision of child welfare services.

<b>Area of Chapter</b>	<b>Section</b>	<b>Significant Changes</b>
Relative Placement	3.5	Section 2.3 “Relative Placement” of previous manual deleted. All information incorporated into Section 3.5 “Authority for Placement and Dispositional Alternatives” in current manual. Relative placement is a dispositional alternative at every court hearing.
Reasonable Efforts Not Required;  Adoption  Grounds for Termination of Parental Rights	3.2.4;  7.4.6  9.5.5.11	<p>Adds “aggravated circumstances” as grounds for not engaging in reasonable efforts to reunite (3.2.4); when the agency may select the goal of adoption (7.4.6); and for termination of parental rights (9.5.5.11).</p> <ul style="list-style-type: none"> <li>▪ Defines “aggravated circumstances” to mean torture, chronic or severe abuse, or chronic or severe sexual abuse. Defines chronic abuse or chronic sexual abuse as recurring acts of physical abuse that place the child’s health, safety or well-being at risk. Severe abuse and severe sexual abuse may include an act or omission that occurred only once but meets the definition of “aggravated circumstances.”</li> <li>▪ For 3.2.4, Instructs local agencies that they must (not may) petition the court to make the determination that reasonable efforts are not required.</li> </ul>
Indian Child Welfare Act	3.4	Instructs workers to contact the Virginia Council on Indians if a child entering care is of Virginia Indian heritage.
The Non-custodial Foster Care Agreement	3.5.5.1	<p>Requires non-custodial foster care agreements to include additional statement that:</p> <ul style="list-style-type: none"> <li>▪ Inform parents of the requirement that criminal background checks and child abuse/neglect central registry searches must be completed prior to the child’s return home. Results of the checks may prohibit the return of the child and in such cases, the results will be shared only with the person on whom the check was completed.</li> <li>▪ Informs parents that revocation of the noncustodial agreement must be ordered by the court if the agreement was previously approved by the court.</li> </ul>
Legal Requirements for Placement	4.1.5	Requires criminal background checks and child abuse/neglect central registry searches be completed on all adults in the home prior to the child’s return home. Results of the checks may prohibit the return of the child and in such cases, the results will be shared only with the person on whom the check was completed. Identifies the crimes that are considered to be a barrier to placement.
	4.1.9	Adds the requirement that in those cases where a child is unlikely to return to his/her family in a timely manner, information must be provided regarding the opportunities for placement with relatives or in an adoptive home.
Emergency Foster Home Relative Foster Home	4.3.4 4.3.6	Adds requirement to conduct a criminal background check and child abuse and neglect central registry check prior to placement of a child on an emergency basis in an unapproved emergency foster home or an unapproved

Area of Chapter	Section	Significant Changes
		relative home. The criminal background search and child abuse and neglect central registry check must be completed on all adults residing in the home in which the child is to be placed. Results of the check may prohibit the placement of the child and in such cases, the background check results must be shared only with the person on whom the check was completed.
Child Placing Agency Foster Home	4.3.9	Requires child placing agencies to conduct face-to-face visits with the child in the foster home on a monthly basis if possible.
Treatment Foster Care Program Home	4.3.10	Clarifies the Department of Medical Assistance Services requirements for treatment foster care program homes.
Resource Family Home	4.5	Adds resource family homes as a type of placement. Defines resource homes as foster homes that will support the goal of reunification while at the same time being willing to adopt the child if reunification does not occur.
Notification of Placement Changes	4.12	Adds requirement that agencies notify parents or prior custodians in writing of a change in placement or visitation privileges within 10 days of such a change.
Opening to OASIS	5.1,	Identifies OASIS as Virginia's official system of record in which cases must be documented and tracked. Adds that case data must be entered into OASIS within 30 days of each case activity or event.
Opening the Foster Care Case in OASIS	5.1.1	
Completion of OASIS Requirements	9.11.4	
Setting Up Paper Case Records	5.2	Limits information that must be kept in the paper case record file as opposed to stored in OASIS.
Referrals for Maintenance: Title IV-E and State Pool Funds	5.4	Adds federal definition of "Maintenance" (moved from Section 12 in previous chapter).
Title IV-E Placement Requirements	5.4.2	Adds for profit child placing agencies as an allowable placement for the use of Title IV-E Maintenance funds when such funds are paid to the provider and not the for-profit agency.
Referral for Determination of Medicaid (Title XIX) Eligibility	5.5	Combines the application for Title IV-E and Medicaid into one form.
Fundamental Information About Support	5.6; 5.6.1	Instructs localities in managing child support funds collected when a child is discharged from foster care. Child support funds are to be placed in special welfare accounts and disbursed to the child's caretaker or the child if the child is 18 and has no other caretaker. No child support funds are to be returned to DCSE. Funds unable to be disbursed to the caretaker or child are to be submitted to the Virginia Department of Treasury pursuant to the <i>Code of Virginia</i> .

<b>Area of Chapter</b>	<b>Section</b>	<b>Significant Changes</b>
Identifying the Absent Parent; Completing the Absent Parent Deprivation/Paternity Information Form	5.6.4, 5.6.5	Instructs workers to access the Federal Parent Locator Service (FPLS) to obtain information about absent parents through completion of DCSE's "Application for Location Information" form. The FPLS is used when full DCSE services are not in place due to claiming good cause.
Lump Sum Retroactive SSI Payments	5.9.2.1	Adds caution that local departments are held liable for any misuse of lump sum SSI funds and encourages workers to contact the Social Security Administration for guidance on appropriate use of such funds.
SSI and Maintenance	5.9.3.3	Instructs localities to notify the Social Security Administration when children receiving SSI enter a Medicaid funded facility in order to ensure SSI benefits are appropriately reduced.
Initial Assessment Requirements	6.2.2; 6.2.3	<ul style="list-style-type: none"> <li>▪ Requires the initial needs assessment be entered into OASIS, using the OASIS assessment screen and completing all the required elements of the appropriate OASIS screens. If local agencies wish to have assessment documents signed by the worker and supervisor, the OASIS Assessment screens may be printed, signed and placed in the paper case record.</li> <li>▪ Adds use of the Permanency Planning Indicator to help determine if a concurrent permanency goal is needed.</li> </ul>
Choosing the Goal	7.1	Requires specifying the concurrent permanency goal in the service plan when applicable.
Preparing the Initial Service Plan	8.1 8.4.1 8.5.3	<p>8.1: Requires parents be informed if: a concurrent permanency plan is being developed and why; the alternative goal being developed and timeframes involved.</p> <p>8.4.1: Requires documentation of the concurrent goal in the service plan and documentation of the needs and services necessary to achieve the concurrent goal.</p> <p>8.5.3: Requires workers to ensure the concurrent permanency goal (when applicable) is included in the service planning process when service planning is done through the FAPT.</p>
Who Must be Involved in developing the Service Plan	8.5.1	8.5.1: Specifies the conditions under which gaining parental involvement in service planning is not required. Service plans are to be prepared in consultation with the child's parent(s) except when parental rights have been terminated or the local department of social services or other public agency has made diligent efforts to locate the parent(s) and such parent(s) cannot be located. Specifies parents should be included in the service planning process by helping to identify the child's and family strengths and needs; providing input as to how to meet those needs; and identifying progress in meeting service plan goals..
Service Delivery	9.1	Adds and defines principles and philosophy of "Permanency

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		Planning” and includes: <ul style="list-style-type: none"> <li>▪ Health and safety</li> <li>▪ Best interest of the child</li> <li>▪ Reasonable efforts by the local department</li> <li>▪ Reasonable progress by the parents</li> <li>▪ Child’s sense of time</li> <li>▪ Concurrent planning</li> </ul>
	9.2	Adds specific and identifiable rights and responsibilities of all team members in permanency planning
	9.3.2	Adds areas for consideration in assessing the possibility for a child to return home. Identifies the purpose of foster care team staffings in making this assessment.
	9.3.3, 9.3.7.5	Adds requirement to conduct criminal background checks and central registry searches on adults in the home prior to a child’s return home and/or when beginning overnight visitation in preparation for reunification.
	9.3.5	Adds list of “Indicators of Progress” workers should consider in assessing reasonable efforts to reunify.
	9.3.6	Adds requirement for, and purpose of a supervisory conference to address case progress. Conferences should occur at a minimum, monthly, but should reflect the needs of the worker and the case.
	9.3.7	Adds considerations for service planning when the permanency goal is reunification. Includes: <ul style="list-style-type: none"> <li>▪ how to prepare the family, child, and caregiver/foster parent for reunification</li> <li>▪ how to develop a service plan reflecting service needs and service provision once the child is returned home</li> <li>▪ beginning trial visits and trial placements home</li> <li>▪ contacts following reunification</li> </ul>
Adoption	9.5.1	Adds that in a case where a concurrent goal is selected, the two higher ranked goals need not be ruled out and the focus of services is on both goals.
Preparing the Child for Adoption	9.5.4	Describes the purpose of using Lifebooks to help prepare children for adoption
Responsibilities of the Agency	9.6.2.3	Requires annual court reviews for all foster care cases with a goal of permanent foster care. The case plan and progress made are to be reviewed through alternating administrative panel reviews and a court hearing every six months. Permanent foster care cases must be reviewed in court at least annually.
Independent Living	9.7.1	Adds federal language defining the purpose of independent living
	9.7.2	Directs the team to consider the availability of community resources in developing the transitional independent living plan
	9.7.4	Provides criteria to consider in assessing the youth’s readiness for placement in an independent living arrangement

Area of Chapter	Section	Significant Changes
	9.7.5	Adds criteria to determine when the goal of independent living is achieved
Visiting the Child	9.11.2.1 9.14.1	Requires client contacts to be entered in OASIS only.
	9.11.2.2 9.11.2.3 9.11.2.4 9.14.1	Requires face-to-face visits with the child in the placement. Encourages such visits on a monthly basis but requires such visits no less than quarterly
	9.11.2.4	<ul style="list-style-type: none"> <li>Requires completion of the Children's Residential Facility Observation Report in OASIS only.</li> <li>Instructs workers to report licensing violations in any Virginia facility to the appropriate licensing authority. Instructs workers to report licensing violations in out-of-state facilities to that state's child abuse hotline.</li> </ul>
Completion of the Case Narrative	9.11.5	Instructs workers on the information to cover in the case narrative which is entered in OASIS (contacts screen)
Providing Special education Services	9.15	Clarifies requirements for providing special education services
Foster Care Review Hearings After a Permanency Goal is Approved	10.2.8.1 10.2.8.2	Adds the goals of reunification, placement with relatives and permanent foster to the list of permanency goals that, once approve, are to be reviewed in a court hearing annually.
Permanent Foster Care and Reviews	10.3	Requires annual court hearings in cases where the permanency goal of permanent foster care has been approved. Foster care review hearings are to be scheduled at the conclusion of the hearing where the permanent foster care order was entered.
Termination of Non-custodial Foster Care Agreements	11.1.2	<ul style="list-style-type: none"> <li>Adds requirement to conduct a criminal background check and child abuse and neglect central registry check prior to the return of the child home following revocation of the noncustodial foster care agreement. The criminal background search and child abuse and neglect central registry check must be completed on all adults residing in the home in which the child is to be placed. Results of the check may prohibit the placement of the child and in such cases, the background check results must be shared only with the person on whom the check was completed.</li> <li>Requires a judicial order to revoke the noncustodial foster care agreement if the agreement had previously been approved by the Court.</li> </ul>
Record Contents	11.5.1	Provides direction on the narrative content required in the final case contact when closing a case. Provides direction on closing cases in OASIS.
Length of Time Records Must be Retained After Closure	11.5.2	Clarifies requirements for maintaining closed case records including requirements regarding microfilming closed records.
Using Funds from	12.3.3	Clarifies the restrictions governing the use of lump sum SSI

<b>Area of Chapter</b>	<b>Section</b>	<b>Significant Changes</b>
Special Welfare Accounts		payments. Local departments may be held liable by the Social Security Administration for misuse of these funds.
Paying for Special Education Services	12.9	Clarifies the responsibility of paying for special education services; the length of time a child is eligible for special education services; and use of pool funds to pay for educational services.
Education and Training Vouchers (ETV) Program	12.15.1	Adds requirements for obtaining and using federal funds for youth to pay for expenses associated with college and vocational training programs.
Requirement for Approved Child Restraint Devices	13.2.2.1	Changes the age requirement for children to be transported in a secured child restraint device from age 4 and under to age 5 and under.
Responsibility to Report	13.3.1	Clarifies to whom a worker is to report suspected child abuse or neglect.
Listing of Forms	A-A	Directs the reader to appropriate locations of forms identified in this document: Foster Care, Department of Child Support Enforcement; Title IV-E/Medicaid Eligibility; AREVA, ICPC
AFCARS	B-B	Updates current AFCARS Requirements in OASIS